



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 21, 2020

Mr. Steve Snider,
Vice President Nuclear Engineering
Duke Energy Carolinas, LLC
526 South Church Street, EC-07H
Charlotte, NC 28202

SUBJECT: ISSUANCE OF EXEMPTION FOR MCGUIRE INDEPENDENT SPENT FUEL
STORAGE INSTALLATION

Dear Mr. Snider:

By letter dated January 9, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20009E527), as supplemented on March 12, 2020 (ADAMS Accession No. ML20072M224), Duke Energy Carolinas, LLC (Duke) submitted an application requesting an exemption pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 72.7, for the McGuire Nuclear Station (McGuire) to use two exceptions to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code for the storage of spent fuel in the independent spent fuel storage installation (ISFSI) at McGuire using the MAGNASTOR® storage cask. Specifically, you requested an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11), which requires compliance with the terms and conditions set forth in the certificate of compliance (CoC) for each spent fuel cask used by an ISFSI general licensee.

The NRC staff reviewed Duke's exemption request for the McGuire ISFSI. The details of the review are included in the enclosed safety evaluation report. Based upon the staff's evaluation, the NRC has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Accordingly, the NRC hereby grants McGuire an exemption from the requirements in 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11) that requires compliance with terms, conditions, and specifications of the CoC to load and store spent fuel using Amendment No. 7 of CoC No. 1031 (ADAMS Package Accession No. ML17013A466) for the MAGNASTOR® storage system to authorize two exceptions to the ASME B&PV Code Section III, Division 1, Subsection NG-2300, Charpy V-notch testing direction requirement for carbon steel plate material greater than 0.625 inches thick and the post-heat treatment ultrasonic testing (UT) requirements in ASME B&PV Code Section III, Division 1, Subsection NG-2500, for rolled carbon steel plate material greater than 0.75 inches thick.

In accordance with 10 CFR 2.390 of the U.S. Nuclear Regulatory Commission's (NRC's) "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the publicly available records component of the NRC's

document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-5722, or Bernard White of my staff, at (301) 415-6577.

Sincerely,

John McKirgan, Chief
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-38
EPID No. L-2020-LLE-0003

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DOCUMENT DATE: April 21, 2020

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M. Mahoney, NRR,

Closes EPID No. L-2020-LLE-0004

PACKAGE ADAMS Accession No.: ML20098C982

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